



# STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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## OPINION OF THE PUBLIC ACCESS COUNSELOR

SHAWNTRELL NORINGTON, )

Complainant )

v. )

INDIANA DEPARTMENT )  
OF CORRECTION )  
Respondent )

17-FC-26

### ADVISORY OPINION

March 20, 2017

This advisory opinion is in response to the formal complaint alleging the Indiana Department of Corrections (“DOC”) violated the Access to Public Records Act (“APRA”), Indiana Code § 5-14-1.5-1 et. seq. The DOC has responded via Mr. Robert Bugher, Esq., Chief Counsel. The response is enclosed for review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on February 6, 2017.

### BACKGROUND

The formal complaint dated February 6, 2017 alleges the DOC violated the APRA by denying access to requested records.

In an APRA request dated December 26, 2016, the Complainant requested documentation detailing certain facility contracts for New Castle Correctional Facility as well as documentation related to food services at the facility. Respondents replied to the complaint indicating the food service provider is a private corporation and a sub-contractor of the facility. Respondents will provide additional materials once payment is remitted.



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## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." *See Indiana Code § 5-14-3-1*. The Indiana Department of Correction is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the DOC's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*. For purposes of this formal complaint, the GEO Group as well as Aramark are not public agencies pursuant to the statute.

It appears as if DOC is willing to provide the Complainant with certain documentation (a 261 page contract), however, the Complainant has insufficient funds to pay the statutory copy fee. It should be noted there is no indigence provision in the APRA for waiving these fees and a public agency is under no obligation to do so.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Department of Correction has not violated the Access to Public Records Act.

Luke H. Britt

A handwritten signature in black ink, appearing to read "LHB", written over a white background.

Public Access Counselor

Cc: Mr. Robert Bugher, Esq.